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No. 82-1474

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

CHARLES R. HOOVER, HOWARD H. KARMAN,
ROBERT D. MYERS and HAROLD J. WOLFINGER,

Petitioners,

vs.

EDWARD RONWIN,

Respondent.

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RESPONDENT'S BRIEF IN OPPOSITION
TO THE MOTIONS FOR LEAVE TO FILE
AMICUS BRIEFS OF THE NATIONAL
CONFERENCE OF BAR EXAMINERS AND
OF THE STATE BAR OF CALIFORNIA

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ARGUMENT

The State Bar of California ("SBC") reports that "...Respondent has refused..." consent to its filing as amicus, SBC motion, p. 1, whereas, The National Confer-

ence of Bar Examiners ("NCBE") recites that "...respondent Ronwin has withdrawn his consent previously given...", NCBE motion, p.i. Although NCBE's version is more correct, its insinuation that Ronwin's word is unreliable is totally false.

About ten weeks ago, Kurt W. Melchior ("Melchior") called Ronwin to ask for Ronwin's consent to the filing of amicus briefs by his client, NCBE, and by SBC. Ronwin declined to declare his position, but informed Melchior that an agency in each of two States was planning to become amicus in favor of Ronwin's side. Melchior asked for the identity of the two agencies, but Ronwin refused disclosure; however, on Melchior's persistence, Ronwin revealed the identities upon the solemn promise by Melchior that nobody from NCBE, SBC or from Petitioner Hoover's group would cause the Bars of the respective States to attempt to dissuade either agency from seeking

amicus status and, as at the time of that telephone conversation Ronwin was not versed with the terms of Rule 36.4, Ronwin and Melchior agreed that Ronwin and Hoover's side would consent to amicus standing for all who sought that status. The respective agencies who intended to support Ronwin were the New Jersey Public Advocates Office, Trenton, New Jersey, and the Attorney General's Office of Maryland, Baltimore, Maryland.

Soon after the talk with Melchior, the New Jersey agency began to distance itself and within a month informed Ronwin that it would not become amicus.

On August 1, 1983, Ronwin received a letter from Melchior asserting that "...you were kind enough to agree that our client [NCBE], might file an amicus brief on the merits in this matter.." and asking Ronwin to pay "prompt attention" to the letter's request that Ronwin "send [Melchior] a

letter consenting to [NCBE's] brief.."

Subsequent thereto: (1) Ronwin learned that the Board of Law Examiners of Maryland contacted the Attorney General's Office of Maryland with respect to this case and that NCBE caused that contact to be made within a day or two after Melchior had gotten the identity of said State agencies from Ronwin; (2) Melchior admitted that he had discussed the identities with Henry C. Thumann, counsel for SBC, with Allan Ashman of NCBE (of counsel herein), and with Donn G. Kessler, of Hoover's firm and of counsel herein; (3) Ronwin informed Melchior and Thumann in separate calls each initiated to Ronwin that: (i) Ronwin was not further bound to consent to amicus status and (ii) that Melchior had broken his promise, whether directly or indirectly; (4) In subsequent conversation, Melchior claimed that neither his firm, nor NCBE, SBC or Hoover's group was responsible for the Maryland Bar

contact, but that is absolutely false.

The Maryland Attorney General's Office indicates that it continues to plan to enter herein as amicus in Ronwin's favor as to the aspects of the case in which it has interest.

Nevertheless, Melchior's actions are disgraceful and unethical. Moreover, it is submitted that such actions are a flagrant interference with this Court's amicus scheme which Ronwin takes to imply that no one would bring, or attempt to bring, raw political pressure to deter a prospective amicus' interest to aid this Court. Ronwin suggests that Melchior's conduct is a contempt of this Court's process. Further, Melchior's attempt to interfere contrary to his solemn promise was most likely communicated to Thumann (SBC), Ashman (NCBE) and Hoover's group, since, as above, Melchior admitted discussing the State agencies with those parties.

NCBE has submitted an affidavit to this Court averring that three copies of its motion (and brief) were sent to Ronwin on August 15, 1983 at an address which was the correct town, but wrong Post Office Box number. Although the postal authorities have been alerted and have checked thoroughly to date, those copies have not reached Ronwin. This Court's Rule 28 requires service in mandatory terms. Although Ronwin has now received three other copies from Melchior sent on August 18, 1983 by Express Mail and a separate copy from this Court's Clerk's office, no service "at or before the time of filing," per Rule 28.3 was had herein of NCBE's motion and brief. There is no end to the games Melchior and NCBE are willing to play. Ought there not be sanctions against them?

Both NCBE and SBC were amicus in the 9th Circuit phase. Both amicus briefs ran in similar vein: if Ronwin prevails, the sky will fall, see NCBE's first amicus brief

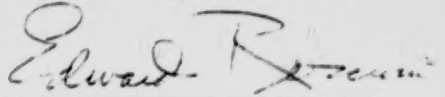
in the 9th Circuit, p. 14, line 21 to p. 15, line 1. Whether or not Ronwin prevails, Bar examinations will not cease; the sky will not fall and to roughly paraphrase My Fair Lady, "America will still be here without NCBE." SBC's brief in the 9th Circuit mimicked NCBE's two briefs. So impressed was the 9th Circuit with the amicus briefs of NCBE and that of SBC, that neither the majority nor the minority took note of them in the initial or in the final decision of the 9th Circuit; initial decision published at 1981-2 Trade Cas. (CCH) ¶64,414, and the amended final decision is at 686 F.2d 692 (9 Cir. 1982).

In the 9th Circuit the amicus briefs of NCBE and SBC merely filled the record with paper and the record already has more than enough of that. Worse, said brief's paper added nothing of guidance value to the 9th Circuit and one can expect nothing more if said entities are given amicus status

here.

WHEREFORE, Ronwin urges this Court to deny said motions for amicus standing and to hold Mr. Kurt W. Melchior in contempt of this Court.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Edward Ronwin", is written over a horizontal line.

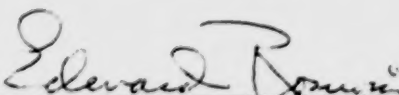
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AFFIDAVIT

STATE OF IOWA)
) ss.
POLK COUNTY)

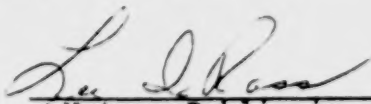
I, EDWARD RONWIN, being first duly sworn upon oath, depose and say:

That I am the Respondent pro se in the above-entitled action and that the facts that I recite in the foregoing Brief in Opposition are true of my own personal knowledge.



Edward Ronwin

SWORN AND SUBSCRIBED to before me this
23rd day of August, 1983.



Notary Public in and for
the State of Iowa

My commission expires: 8-26-85